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Oceans and the law of the sea

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Report of the Secretary-General**

Summary

The present report, which covers the period from 1 September 2017 to 31 August 2018, is submitted pursuant to paragraph 366 of General Assembly resolution 72/73, in which the Assembly requested the Secretary-General to prepare a report on developments and issues relating to ocean affairs and the law of the sea, including the implementation of that resolution, for consideration at its seventy-third session. It is also being submitted to States parties to the United Nations Convention on the Law of the Sea, pursuant to article 319 of the Convention. The present report provides information on major recent developments relating to ocean affairs and the law of the sea, in particular at the United Nations and its specialized agencies, funds and programmes, as well as within the bodies established by the Convention.

* A/73/150.

** The present report contains a summary of the most significant recent developments and selected parts of contributions by relevant agencies, programmes and bodies. Owing to word limits for reports mandated by the General Assembly, an advance, unedited version of the report, with comprehensive footnotes, is also available on the website of the Division for Ocean Affairs and the Law of the Sea at: http://www.un.org/depts/los/general_assembly/general_assembly_reports.htm.

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I. Introduction

1. The oceans play a crucial role in everyday life, as the lungs of the planet and the greatest producers of oxygen. They help to regulate the global climate and are the ultimate source of the water that sustains all life on Earth, from coral reefs to snow-covered mountains, from tropical rainforests to mighty rivers, and even deserts. The oceans act as a major sink of carbon dioxide, significantly reducing greenhouse gas levels in the atmosphere and thereby benefiting all humankind.

2. As emphasized in the 2030 Agenda for Sustainable Development, in particular in Sustainable Development Goal 14, the conservation and sustainable use of the oceans and seas and their resources is critical to sustainable development, including in regard to poverty eradication, sustained economic growth, food security and the creation of sustainable livelihoods and decent work.

3. Yet, the state of the oceans has never been more perilous. Despite the efforts of the international community to protect and preserve the marine environment and its living marine resources, the health of the oceans continues to be adversely affected by major pressures simultaneously, such as pollution, including marine debris, especially plastics, physical degradation, increased overfishing (see paras. 58–61), alien invasive species and underwater noise and the impacts of climate change and ocean acidification. According to recently released data, the estimated amount of fixed nitrogen emitted into the atmosphere from fossil fuel burning and agriculture is now at almost four times the level of emissions in 1850. The global ocean heat content is at record levels, sea-ice extent in the Arctic and the Antarctic remains well below average and the year 2017 was in the top three hottest years on record, with record-breaking extreme temperatures. Coastal communities and small island developing States remain highly vulnerable to those cumulative impacts, in particular, sea level rise, coastal erosion and storms, which threaten their very existence, let alone their economic and social welfare.

4. The world now faces a global emergency over the oceans. The threats to the global environment must be taken seriously, given that the collective future and security of humanity is at stake.

5. Without concrete and urgent action, Member States will face major challenges in their efforts to achieve the targets of Sustainable Development Goal 14, in particular those agreed to be met by 2020, namely, to sustainably manage and protect marine and coastal ecosystems (target 14.2), to end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices (target 14.4), to conserve at least 10 per cent of coastal and marine areas (target 14.5) and to prohibit and eliminate certain forms of fisheries subsidies (target 14.6).

6. However, in a recent study conducted among the world's leaders, Goal 14 was ranked last in significance among all the Sustainable Development Goals set out in the 2030 Agenda. If the Goals and targets set out in the 2030 Agenda are to be achieved, the significance of the oceans to the collective future of humanity must be appreciated and understood by everyone.

7. Concerted action to meet the targets of Goal 14 will have wide-ranging positive effects on meeting the other Goals, just as the achievement of the other Goals and targets will have a positive effect on the achievement of Goal 14. As the Goals are integrated and indivisible in character, so too must be the efforts of the international community to implement the 2030 Agenda, acknowledging the interlinkages and synergies between the Goals.

8. Now more than ever the international community must give priority to addressing ocean issues in an integrated, interdisciplinary and intersectoral way

within the context of the United Nations Convention on the Law of the Sea of 1982 — the world's "constitution for the oceans" — as complemented by other instruments.

9. The present report summarizes activities and developments relating to ocean affairs and the law of the sea, including those undertaken by the United Nations system and other intergovernmental organizations in relation to General Assembly resolution 72/73. The purpose of the report is to assist the General Assembly in its annual consideration and review of activities and developments relating to oceans and the law of the sea. It should be read in conjunction with other reports relevant to oceans and the law of the sea issued by the United Nations during the period under review (see, for example, A/73/68, A/73/74, A/73/124 and SPLOS/324). It should also be read in combination with the more detailed contributions provided by the United Nations specialized agencies, programmes and bodies, as well as other intergovernmental organizations.[1]

II. Legal and policy framework

10. During the period under review, the existing legal framework for oceans, which includes a large number of binding instruments, adopted and implemented at the global, regional and national levels, within the context of the Convention, continued to be developed and expanded. The conditions for entry into force for a number of global instruments were met.[2] Binding instruments, complemented by important non-binding instruments, such as the 2030 Agenda, as well as the annual resolutions of the General Assembly on oceans and the law of the sea and on sustainable fisheries (see, for example, resolutions 72/72 and 72/73), continued to provide a comprehensive international law regime applicable to the oceans, as well as internationally agreed policy guidance, commitments, goals and targets. Important steps were taken to strengthen the implementation of existing instruments on oceans at the global and regional levels, as described in sections III to VII below.

11. The implementation of the Convention is crucial for the peaceful and sustainable development of the oceans and their resources and achieving the Sustainable Development Goals set out in the 2030 Agenda, in particular Goal 14. As at 31 August 2018, there were 168 parties to the Convention and 150 parties to the Agreement relating to the Implementation of Part XI of the Convention, adopted in 1994. The number of parties to the United Nations Fish Stocks Agreement of 1995 increased from 86 to 89 during the reporting period.

12. As a framework instrument, the Convention provides for the further development of specific areas of the law of the sea. Most notable in this regard is the decision of the General Assembly in resolution 72/249, following the completion of the work of the Preparatory Committee established by resolution 69/292 (see A/AC.287/2017/PC.4/2), to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible. The Conference held a meeting in New York, from 16 to 18 April 2018, to discuss organizational matters, including the process for the preparation of the zero draft of the instrument (see

[1] Available from www.un.org/Depts/los/general_assembly/contributions73.htm.

[2] These included the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments on 8 September 2017 and the 2007 Work in Fishing Convention, 2007 (No. 188) on 16 November 2017.

A/CONF.232/2018/2).[3] The first substantive session of the Conference will take place from 4 to 17 September 2018.

13. In other contexts, as reviewed below, the important role of the Convention in setting out a comprehensive legal regime for the oceans and seas has been reaffirmed, thereby promoting peace and security and sustainable development (see, for example, SPLOS/324).

III. Maritime spaces

14. The enhancement of legal certainty with respect to maritime zones and boundaries through the Convention is important in strengthening international peace and security and the effective use and management of the oceans. The bodies provided for in the Convention, namely the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea, continued to play fundamental roles in that respect.

15. The Commission on the Limits of the Continental Shelf continued its important work (see CLCS/100, CLCS/101, CLCS/103, CLCS/103/Corr.1 and CLCS/105). Among other things, it established new subcommissions and reviewed and modified its internal working methods to address concerns expressed by some submitting States (see SPLOS/319).

16. I continued to perform my functions as depositary under the Convention concerning charts or lists of geographical coordinates of points concerning the limits of maritime zones, and pursued further my efforts to improve the corresponding geographic information system. I received one additional deposit pursuant to article 76, paragraph 9, of the Convention, permanently describing the outer limits of the continental shelf beyond 200 nautical miles, following the recommendations of the Commission on the Limits of the Continental Shelf, as well as a number of other deposits.

17. The Convention requires States parties to settle any dispute between them concerning the interpretation or application of the Convention by peaceful means. During the period under review, a number of developments took place in relation to disputes submitted to the dispute settlement mechanisms provided for in the Convention.

18. In particular, a Special Chamber of the International Tribunal for the Law of the Sea delivered a judgment in the *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)* (case No. 23) (see SPLOS/317 and SPLOS/324).

19. In May 2018, the Conciliation Commission in the conciliation between Timor-Leste and Australia recorded the agreement between the two countries regarding their maritime boundary in the Timor Sea. On 6 March 2018, the maritime boundaries treaty between Timor-Leste and Australia was signed in New York in the presence of myself and the Conciliation Commission.

20. In addition, on 29 March 2018 Guyana filed an application against the Bolivarian Republic of Venezuela with the International Court of Justice, requesting the Court to confirm the legal validity and binding effect of an arbitral award concerning the boundary between Guyana and the Bolivarian Republic of Venezuela.

[3] See also https://www.un.org/bbnj/.

IV. Maritime security

21. The ability of States to maximize benefits from the oceans and seas and develop a sustainable ocean-based economy depends on maintaining and enhancing the security of maritime spaces.

22. International cooperation, both at the global and regional levels, remained key in efforts to address threats to maritime security, including piracy, as well as armed robbery against ships, during the period under review. Under article 100 of the Convention, all States are required to cooperate to the fullest possible extent in the repression of piracy.

23. The number of reported incidents of piracy and armed robbery against ships at the global level increased slightly, after a long period of decline. The Gulf of Guinea region and South-East Asia continued to have high numbers of attacks, while the number of attacks off the coast of Somalia remained low, with two attacks reported in the first six months of 2018.

24. In terms of regional developments, in July 2018, the Contact Group on Piracy off the Coast of Somalia welcomed the continued efforts by the international community to combat and deter piracy off the coast of Somalia, acknowledged the ongoing threat in the region and considered a proposal to broaden the mandate of the Contact Group to crimes and threats directly related to piracy. It also highlighted the need to regulate privately contracted armed security personnel and floating armouries to prevent the proliferation of arms.

25. In the Gulf of Guinea region, the use of violence during attacks and tactics such as kidnapping for ransom and the capture of fishing vessels remained a serious concern. International cooperation to prevent such attacks continued through the Group of Seven Friends of the Gulf of Guinea Group, the Economic Community of West African States, the Economic Community of Central African States and the intervention of naval forces.

26. In Asia, international cooperation, including through the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, contributed to a 15 per cent decrease in incidents during the first six months of 2018, compared with the same period in 2017, with no reported successful cases of crew abduction or theft of oil cargo. Of 40 incidents, 3 constituted piracy, rather than armed robbery against ships.

27. Illicit trafficking in narcotic drugs and psychotropic substances by sea continued to be prevalent. Such activities are being thwarted, including through the Container Control Programme, implemented jointly by the United Nations Office on Drugs and Crime (UNODC) and the World Customs Organization, which pools the strengths of customs and other law enforcement bodies. The Programme has focused on enhancing cooperation in detecting high-risk consignments at the regional level.

28. With regard to maritime security, UNODC reported on a wide range of capacity-building activities, including the development of maritime administration and appropriate legal frameworks under its Global Maritime Crime Programme, provision of technical and material support to maritime law enforcement, courts and prosecutors and detention facilities in West Africa, East Africa, the Horn of Africa and South Asia. UNODC also piloted the use of satellite-based technology to monitor, prevent and respond to maritime crime threats. The International Maritime Organization (IMO) also undertook capacity-building activities, including to strengthen port security, and updated its model courses related to maritime security.

V. Importance of the human dimension

29. People all over the world depend on the oceans for food security, livelihoods, recreation, tourism, transportation, cultural values and heritage and for the regulation of the climate. Coastal communities, in particular in the least developed countries and in small island developing States, are highly reliant on the oceans in order to eradicate poverty, promote sustainable ocean-based economies and support community development. The conservation and sustainable use of the oceans and seas and their resources is essential to ensure the continued availability of these benefits for future generations.

30. As reflected in the 2030 Agenda, addressing vulnerabilities and achieving gender equality and the empowerment of all women and girls (Goal 5) will make a crucial contribution to progress across all the Sustainable Development Goals. However, while the importance of gender equality and the crucial role of women and youth in the conservation and sustainable use of oceans, seas and marine resources are increasingly being recognized by the international community (see, for example, General Assembly resolution 71/312, annex, para. 9), concerted action towards gender equality and the empowerment of women is still needed in all ocean-related sectors.

31. During the reporting period, the Food and Agriculture Organization of the United Nations (FAO) promoted the empowerment of women through better access to markets and reduced food losses, in the context of the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. It also published a handbook and a video on gender-equitable small-scale fisheries development and governance.

32. A focus on gender in the context of World Oceans Day 2019 and on the theme "Empowering women in the maritime community" for the IMO World Maritime Day 2019 will provide further awareness-raising opportunities.

Labour at sea

33. Seafarers and fishers at sea often work in difficult conditions and face a wide range of occupational hazards, while tending to lack access to financial resources, social protection, institutional support and education. These workers are often vulnerable to exploitation and may suffer human rights violations and labour abuses. Women, migrant labourers and youth are particularly vulnerable. Instances of seafarer abandonment have continued to increase. The Convention requires every State to take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, inter alia, to the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments.

34. The Work in Fishing Convention, 2007 (No. 188) of the International Labour Organization (ILO) entered into force in November 2017, setting out binding requirements to address key issues concerning work on board fishing vessels, including the prevention of labour abuses through the enforcement of minimum requirements, regularized recruitment processes and the investigation of complaints by fishers. For the first time under Convention No. 188, a fishing vessel was detained in June 2018 following a complaint by the crew to inspectors about the working conditions.

35. In January 2018, amendments to the Convention on Facilitation of International Maritime Traffic of 1965 entered into force to strengthen the rights of seafarers to shore leave. In June 2018, the International Labour Conference approved amendments

to the Code of the Maritime Labour Convention of 2006 to protect the labour rights of seafarers captured as a result of piracy or armed robbery at sea.

36. In other developments, a tripartite meeting on migrant fishers was convened by ILO in September 2017 to follow up on a resolution on the promotion of welfare for fishers, adopted by the International Labour Conference in 2007. ILO also initiated work on decent working conditions in global supply chains, including seafood commodities. FAO supported stakeholders to establish sustainable fisheries policies, including decent working conditions, based on the Code of Conduct for Responsible Fisheries.

Migration by sea

37. Tens of thousands of people continue to migrate by sea, often in perilous conditions, resulting in large numbers of deaths that are often unreported. There is an urgent need to improve search and rescue operations, including the provision of a place of safety, as well as to increase international cooperation.

38. The total number of persons migrating across the Mediterranean route in 2017, at more than 171,330 persons, was approximately 50 per cent lower than the number in 2016. However, across the western Mediterranean, the number of persons arriving in Europe in 2017, at approximately 28,350 persons, was more than double that of 2016. The International Organization for Migration reported that in the first seven months of 2018, 58,158 persons had entered Europe by sea and that 1,514 had died during their journey. Approximately 3,140 people died or went missing en route by sea to Europe in 2017.

39. The Gulf of Aden continued to be the second most prevalently used maritime route. A functioning maritime rescue coordination centre to coordinate search and rescue at sea is still lacking and the capacity of coastal States to engage in rescue is very limited. The ongoing conflict in Yemen contributed to the diminished capacity of States to protect lives along this maritime route.

40. In South-East Asia, many of the nearly 700,000 Rohingya who fled to Bangladesh from Myanmar since August 2017 did so by boat, with capsizes resulting in 200 deaths. The Caribbean route was also used by a growing number of persons: 100 maritime incidents involving over 2,800 persons were recorded in 2017.

41. The Convention and IMO instruments set out the obligations of States regarding the rescue of persons in distress at sea, and search and rescue services. Various efforts were made to promote the safety of life at sea during the reporting period. For example, the Office of the United Nations High Commissioner for Refugees (UNHCR) carried out capacity-building activities, including training sessions on human rights and international protection in rescue operations at sea. In October 2017, IMO hosted a high-level inter-agency meeting involving international organizations and the main stakeholders of the maritime industry concerning unsafe mixed migration by sea.

42. On 13 July 2018, 192 Member States finalized the text of the Global Compact for Safe, Orderly and Regular Migration, now expected to be the first intergovernmental agreement, prepared under the auspices of the United Nations, covering all dimensions of international migration in a holistic and comprehensive manner. It includes the commitment to cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, standardized collection and exchange of relevant information, assuming collective responsibility to preserve the lives of all migrants, in accordance with international law. The Global Compact will be formally adopted at an intergovernmental conference in Marrakech, Morocco, to be held in December 2018.

VI. Balancing economic growth with environmental protection

43. The oceans, seas and their resources are of critical relevance to each of the three pillars of sustainable development: economic, social and environmental. Realizing fully the economic benefits derived from the oceans and their resources depends upon conducting ocean-based activities sustainably and with due regard for other activities, particularly in the light of increased competition for marine space and the need to protect and preserve the marine environment. There is a need to strengthen cooperation and coordination and to adopt an integrated approach to management in order to balance the social, economic and environmental dimensions.

44. At the core of the Convention is the integration of these three dimensions, along with the need to balance the enjoyment of rights and benefits with the concomitant undertaking of duties and obligations, thus making ever more urgent its effective implementation.

45. Following on from the consideration of the human dimension in the previous section, developments concerning the pillars of economic growth and environmental protection are reviewed below, including in relation to fisheries and shipping, the two main traditional ocean-based economic activities that are also being carried out in areas beyond national jurisdiction.

46. As reviewed below, marine science and technology have an important enabling role, not only with respect to the traditional ocean-based economic activities, but also with respect to the development of new activities. For example, in Europe, where offshore wind energy is seen as competitive with onshore energy, technology continued to move forward with larger turbines and larger wind projects. Progress is also being made towards floating wind farms.

47. In terms of other emerging ocean activities, in 2017 the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection identified deep-sea mining and its impacts on the marine environment as a new issue for the attention of its sponsoring organizations.

48. In this regard, during the reporting period, the International Seabed Authority made progress on its work in the development of a mining code as a priority matter. Following global stakeholder consultations on the draft regulations on the exploitation of mineral resources in the Area, the Council of the Authority undertook its first substantive consideration of the draft text in July 2018 and issued a revised text. The Council also discussed the development of an economic model for mineral exploitation in the Area and financial terms for future exploitation contracts. With respect to the environmental impact of seabed activities, the Authority continued to develop regional environmental management plans for the Area, envisaged as the primary means for delivery of the Authority's environmental objectives at the regional level.

49. Subsequent to the first periodic review of the international regime of the Area pursuant to article 154 of the Convention, the Secretary-General of the International Seabed Authority prepared a draft strategic plan, taking into account the views of stakeholders (see ISBA/24/A/4). The first ever strategic plan was adopted by the Assembly of the Authority at its twenty-fourth session, as amended, to guide the direction and aims of the Authority for a five-year period (see ISBA/24/A/10).

50. In other developments, issues related to genetic resources, including digital sequence information on genetic resources, a global multilateral benefit-sharing mechanism under the Nagoya Protocol, and genetic resources and intellectual property continued to be considered within the framework of the Convention on Biological Diversity and the World Intellectual Property Organization.

A. Increasing knowledge and understanding and promoting marine science and technology

51. Marine science is a critical resource in efforts to eradicate poverty and contribute to food security and the sustainable development of the oceans and seas. Science and technology play a key role in improving knowledge about the oceans, as well as about the interface between the oceans and the atmosphere, ultimately supporting our understanding and better management of human interactions with marine ecosystems, including in helping to predict and respond to natural events. Part XIII of the Convention on marine scientific research and part XIV on the development and transfer of marine technology reflect the importance of the need for capacity-building in marine science, related knowledge and expertise, as well as marine infrastructure. The General Assembly has continued to recognize that promoting the voluntary transfer of technology is an essential aspect of building capacity in marine science (resolution 72/73, para. 34).

52. During the period under review, a number of activities and initiatives were undertaken to promote marine scientific research, increase the research capacity of States and support the science-policy interface, including by the International Atomic Energy Agency (IAEA), the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Meteorological Organization. Among these, the Global Climate Observing System and the Global Ocean Observing System supported preparations for the third decadal ocean observing conference, OceanObs'19, in September 2019.[4] IAEA continued to assist States in improving the assessment of the level of protection against exposure to ionizing radiation.

53. The Executive Council of the Intergovernmental Oceanographic Commission approved the measurement of six new biogeochemical parameters by Argo floats and agreed to the continued use of the guidelines for the implementation of resolution XX-6 of the Intergovernmental Oceanographic Commission Assembly regarding the deployment of profiling floats in the high seas within the Framework of the Argo Programme to notify coastal member States of all Argo profiling floats likely to enter their exclusive economic zone, including those measuring these new variables.

54. Following the proclamation by the General Assembly of the United Nations Decade of Ocean Science for Sustainable Development for the 10-year period beginning on 1 January 2021, the Intergovernmental Oceanographic Commission developed a draft road map with a strategy, governance arrangements and an outline of key milestones and consultation plans. After a key stakeholder review, the road map was presented to the Executive Council of the Commission in July 2018, which approved the terms of reference for the Decade Executive Planning Group to be convened in the second half of 2018. Communication activities were initiated to inform member States, potential partners and other stakeholders of the preparatory phase and communicate the purpose and expected results of the Decade.

55. As stated in the road map, the framework activities should be seen as complementary and supportive of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects.

56. A number of key milestones were met during the reporting period with regard to the second cycle (2016–2020) of the Regular Process: an outline for the second world ocean assessment is in place, as well as a mechanism for the establishment of the pool of experts for the second cycle, guidance for contributors, terms of reference

[4] See http://www.oceanobs19.net/.

for national focal points, a preliminary timetable and implementation plan for the preparation of the second world ocean assessment and guidelines for the two rounds of regional workshops of the second cycle (see A/72/89, A/72/494 and A/73/74). The first round of regional workshops, which was held in 2017, aimed to inform the scoping of the second world ocean assessment, raise awareness and provide information and receive feedback on the First Global Integrated Marine Assessment (World Ocean Assessment I), while the second round is being held in the second half of 2018 so as to inform the collection of regional-level information and data for the preparation of the second world ocean assessment.

B. Conservation and sustainable use of living marine resources

57. Ensuring the effectiveness of the science-policy interface in fisheries management is key to implementing the provisions of the Convention and the Agreement. The thirteenth round of informal consultations of States parties to the Agreement was focused on the topic "Science-policy interface" and key points were raised relating to the strengthening of that interface in fisheries management.

58. Given the importance of the world's fisheries as key contributors to food security and nutrition, livelihoods and economic development, the sustainability of the world's fish stocks remains a significant concern. The Convention and the Agreement provide a comprehensive regime for the conservation and sustainable management of living marine resources and are complemented by other legal and policy instruments, including the 2030 Agenda. In target 14.4 of the Sustainable Development Goals, the international community committed to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, by 2020, in order to restore fish stocks.

59. FAO estimated that the percentage of stocks fished at biologically unsustainable levels (overfished, depleted and recovering stocks) has grown from 31.4 per cent in 2013 to 33.1 per cent in 2015, thereby continuing the long-standing trend of deterioration in the status of stocks. Urgent action is needed to improve the management of global fish stocks, eliminate overcapacity, combat illegal, unreported and unregulated fishing and address environmental stressors that affect the long-term sustainability of fish stocks, such as climate change (see A/72/70), overfishing, ocean acidification, marine pollution and anthropogenic underwater noise (see A/73/124).

60. In July 2018, the Committee on Fisheries of FAO expressed the need for greater cooperation and information-sharing in fish stocks management between member States, including through mechanisms established by regional fisheries management organizations and arrangements, to support the fight against illegal, unreported and unregulated fishing. The Committee expressed support for the continuing work of FAO to develop technical guidelines for the estimation of the magnitude and geographical extent of illegal, unreported and unregulated fishing. It also endorsed the voluntary guidelines on the marking of fishing gear and took note of a technical paper provided by FAO containing an overview of the implications of climate change for fisheries and aquaculture with a view to mapping out solutions for climate change adaptation and mitigation.

61. Discussions continued at the World Trade Organization (WTO) to address fisheries subsidies that can contribute, directly or indirectly, to overcapacity and illegal, unreported and unregulated fishing, in line with target 14.6 of the Sustainable Development Goals. The Ministerial Conference of WTO, held in December 2017, called on members to engage constructively in ongoing negotiations on fisheries subsidies, with a view to adopting by 2019 an agreement on comprehensive and

effective disciplines that prohibit certain forms of fisheries subsidies that contribute to overcapacity and overfishing, and eliminate subsidies that contribute to illegal, unreported and unregulated fishing, recognizing the need for appropriate and effective special and differential treatment for developing country members and least developed country members in the negotiations.

62. In other developments, the Northwest Atlantic Fisheries Organization will complete its second performance review in September 2018 and continue to address conservation and management of fisheries resources; compliance and enforcement; governance; science; international cooperation; and financial and administrative issues. A number of regional fisheries management organizations and arrangements took steps to address the impacts of bottom fishing, including expanding an area closure to sustain biological connectivity and the function of seamount communities. In September 2018, the Advisory Committee of the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas will focus on by-catch, resource depletion, marine debris, surveys and research and use of by-catches and strandings and will discuss a draft conservation plan for the common dolphin.

63. Efforts continued to increase cooperation among organizations involved in fisheries management and between them and those with related mandates. For example, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora worked with partners, in particular FAO and regional fisheries management organizations and arrangements, to deliver needs-driven capacity-building activities to assist developing countries in implementing provisions of the Convention for marine species. The secretariat of the Convention on Biological Diversity, FAO and the International Union for Conservation of Nature and Natural Resources compiled experiences in mainstreaming biodiversity in fisheries to identify opportunities for reporting and assessing progress towards Aichi Biodiversity Target 6 (see also para. 83).

C. Shipping

64. With over 80 per cent of global trade by volume and more than 70 per cent of its value being carried on board ships and handled by seaports worldwide, shipping represents a crucial sector for economic growth and sustainable development. Flag States are responsible for ensuring that ships flying their flag comply with the relevant provisions of the Convention and other relevant conventions.

65. However, the shipping sector has been negatively affected by increasing numbers of incidents of fraudulent registration and fraudulent registries of ships. In response to reports by its member States, IMO will consider measures to prevent such unlawful practices.

66. Regarding rapid innovations in shipping technology, the IMO Maritime Safety Committee explored how maritime autonomous surface ship operations can be addressed in IMO instruments, including in the form of a scoping exercise to identify IMO regulations that preclude, do not preclude or would not apply to such operations, and endorsed a framework for a regulatory scoping exercise. The IMO Legal Committee also agreed to include a new work programme item on maritime autonomous surface ships on its agenda, with a target completion year of 2022, which will complement the scoping exercise being carried out by the Maritime Safety Committee.

67. According to a new vision statement, IMO will focus, among other things, on the review, development and implementation of and compliance with IMO instruments in support of the implementation of the 2030 Agenda.

68. In another significant development, IMO adopted an initial strategy that envisages reducing total annual greenhouse gas emissions from international shipping by at least 50 per cent by 2050 compared with 2008 levels and phasing them out as soon as possible in this century. Work also continued within IMO on energy efficiency requirements for ships.

D. Marine environment and marine biodiversity, ecosystem functions, goods and services

69. As indicated in paragraph 3, the health of the oceans and marine biodiversity continue to be negatively affected by various major pressures simultaneously.

70. Consistent with the obligations of States under the Convention to take measures to prevent, reduce and control pollution of the marine environment, various measures are being taken at global and regional levels to address marine pollution, including to strengthen the implementation of existing instruments and cross-sectoral cooperation.

71. Globally, land-based sources of pollution continued to be the greatest contributor to marine pollution. The fourth session of the Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities reviewed the implementation of that important non-binding instrument and considered options for its possible future direction (see UNEP/GPA/IGR.4/3).

72. Reducing the incidence and impacts of marine plastic litter and microplastics remains a particular focus of the international community. The ad hoc open-ended expert group on marine litter and microplastics, established by the United Nations Environment Assembly, examined barriers to and options for combating marine plastic litter and microplastics from all sources, especially land-based sources. Measures to address marine litter were also discussed in meetings under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its 1996 Protocol, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and within FAO and IMO. At the regional level, a number of regional conventions and action plans, as well as the Baltic Marine Environment Protection Commission and the Convention for the Protection of the Marine Environment of the North-East Atlantic, continued to undertake activities to address marine litter, including through the implementation of marine litter action plans.

73. Cooperation continued, including at the regional level, in efforts to address pressures on the marine environment from shipping (see para. 68), including regarding the dumping and management of waste.

74. IAEA provided support to its member States to develop and improve relevant nuclear and isotope-based tools and techniques to monitor and protect the coastal and marine environment. It prepared safety guides on regulatory control of radioactive discharges to the environment and prospective radiological environmental impact assessment for activities and facilities.

75. In other developments, work to address specific threats to marine biodiversity continued, such as trade, alien invasive species, underwater noise (see also paras. 59 and 81), offshore renewable energy, seabed mining (see also para. 48), ship strikes and by-catch. Attention to coral reefs also continued. Cooperation regarding marine migratory species was strengthened. Efforts were also increased to mainstream marine biodiversity considerations in various sectors, in particular fisheries (see also paras. 63 and 83).

VII. Strengthening implementation through integrated and cross-sectoral approaches

76. The increase in linkages being drawn to the ocean dimension in major intergovernmental forums or processes that are not focused on ocean-related issues was a very positive development during the reporting period. Notably, in 2017, the Ocean Pathway was launched during the Conference of the Parties to the United Nations Framework Convention on Climate Change and will provide a two-track strategy for 2020, supporting the goals of the Paris Agreement, including by increasing the role of oceans considerations in the Framework Convention process, and increasing action in priority areas that have an impact on or are affected by oceans and climate change.[5]

77. The meeting of the high-level political forum on sustainable development, held from 9 to 18 July, provided an opportunity to draw attention to the interlinkages between Sustainable Development Goal 14 and the implementation of the other Goals that were reviewed. Ocean issues were touched upon during the review of the implementation of Goals 6, 11, and 12, among others, in particular with regard to the impacts of waste and wastewater management on the marine environment and interlinkages between sustainable consumption and production and marine resource conservation, including actions to combat plastics pollution.[6]

78. The Small Island Developing States Action Platform, developed to support the follow-up to the third International Conference on Small Island Developing States, has a focus on the conservation and sustainable use of the oceans, seas and marine resources for sustainable development, with approximately one third of the 315 registered partnerships relating to Sustainable Development Goal 14. The high-level midterm review of the SIDS Accelerated Modalities of Action (SAMOA) Pathway in September 2019 will reflect on progress made in addressing the priorities of small island developing States through the implementation of the SAMOA Pathway.

A. Strengthening international cooperation and coordination

79. The increasing number of forums dealing with sustainable development mainly from a sectoral perspective has challenged the ability of the international community to consider issues in a comprehensive and coherent manner and to identify important interlinkages, leading to more frequent calls to strengthen international cooperation and coordination and adopt comprehensive and integrated approaches in the broader sustainable development context and also regarding the oceans.

80. With regard to the former, the need to continue efforts to address, in a comprehensive and coherent manner, the challenges posed by environmental degradation in the context of sustainable development was emphasized by the General Assembly in the development of a new global pact for the environment. In its resolution 72/277, it decided to establish an ad hoc open-ended working group to consider a report to be submitted by the Secretary-General that will identify and assess possible gaps in international environmental law and environment-related instruments with a view to strengthening their implementation. The working group will discuss possible options to address such possible gaps and, if necessary, the scope, parameters and feasibility of an international instrument and make recommendations, which may include the convening of an intergovernmental conference, to the General Assembly during the first half of 2019.

[5] See https://cop23.com.fj/the-ocean-pathway/.

[6] See https://sustainabledevelopment.un.org/hlpf/2018.

81. International cooperation and coordination remains critical to achieving the objectives of the Convention and the integrated management and sustainable development of the oceans and seas. It is well recognized that the problems of ocean space, including the challenges to the conservation and sustainable use of the oceans, seas and their resources, are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and cross-sectoral approach. The General Assembly annually reaffirms the unified character of the Convention and the vital importance of preserving its integrity. It has, since the entry into force of the Convention, annually considered and reviewed developments at the global level under one consolidated agenda item on oceans and the law of the sea, as the global institution having the competence to undertake such a review. It also established the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to assist in its functions. The nineteenth meeting of the Informal Consultative Process, held in June 2018, provided a unique forum for comprehensive discussions on anthropogenic underwater noise, facilitating the exchange of views among multiple stakeholders and improving coordination and cooperation between States and competent agencies. The effectiveness and utility of the Process will be reviewed by the General Assembly at its seventy-third session. The General Assembly will also review the terms of reference of UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system, which it had deferred in 2017 until its seventy-third session. These reviews provide an opportunity to consider whether international cooperation and coordination need to be further strengthened.

82. During the reporting period, UN-Oceans, for which the United Nations Legal Counsel acts as focal point, strengthened and promoted the coordination and coherence of United Nations system activities related to ocean and coastal issues, focusing on the implementation of the 2030 Agenda, in particular Sustainable Development Goal 14. Progress was made in developing a proposed methodology for indicator 14.c.1, which, if supported by Member States and following a pilot test phase, could be submitted for approval to the Inter-agency and Expert Group on Sustainable Development Goal Indicators for reclassification from tier III to tier II status. Tier II status signifies that an indicator is conceptually clear, has an internationally established methodology and standards are available, but data are not regularly produced by countries. During the period under review, three indicators for the targets of Goal 14 were reclassified from tier III to tier II status. The other main activities of UN-Oceans related to the United Nations Decade of Ocean Science for Sustainable Development (see also paras. 54 and 55) and follow-up to the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development (Ocean Conference). Membership in UN-Oceans also expanded during the reporting period to include the secretariats of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals and the United Nations Framework Convention on Climate Change.

83. At the regional level, a range of issues related to fisheries, protection and preservation of the marine environment and biodiversity conservation and sustainable use continued to be addressed through increased cooperation (see also section VI). Cross-sectoral cooperation was particularly promoted at the second meeting of the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies on Accelerating Progress towards the Aichi Biodiversity Targets and the Sustainable Development Goals, held in April 2018.

84. There are a number of management tools available that can foster cross-sectoral and integrated approaches to the management of human activities in the oceans and

seas, such as integrated coastal zone management, marine spatial planning, including through the application of area-based management tools, and ecosystem approaches.

85. Among these tools, area-based management received increased attention, including through guidance on the identification and use of such tools. Currently, 16.77 per cent of marine areas under national jurisdiction are protected, indicating the achievement of the quantitative element of Aichi Biodiversity Target 11 in these areas. Work continued to facilitate the description of ecologically or biologically significant marine areas in support of the adoption of appropriate conservation and management measures. With respect to marine spatial planning, the secretariat of the Convention on Biological Diversity produced an information document that compiled national, subregional and regional experiences.

86. Ecosystem approaches continued to provide a useful framework for developing ocean management strategies. FAO assisted countries with implementing ecosystem approaches to fisheries and aquaculture and activities were carried out under a number of regional seas conventions and action plans to further the implementation of ecosystem approaches.

B. Building the capacity of States to implement the legal and policy framework for the oceans and seas, including through voluntary commitments

87. During the reporting period, the generation of voluntary commitments continued to be promoted through intergovernmental conferences, while priority attention was also given to their follow-up (see also para. 78).

Implementation of the voluntary commitments under Sustainable Development Goal 14: the Special Envoy for the Ocean

88. Peter Thomson of Fiji was appointed as the Special Envoy for the Ocean to ensure that the many positive outcomes of the Ocean Conference, in particular the voluntary commitments made in support of Sustainable Development Goal 14, were fully implemented and to lead advocacy and public outreach efforts. Nine Communities of Ocean Action were launched to implement the voluntary commitments, generate new voluntary commitments and facilitate collaboration and networking in support of Goal 14.[7]

Capacity-building activities

89. Many intergovernmental organizations also undertook capacity-building initiatives with the overall objective of assisting developing States in sustainably managing ocean-based activities and resources, including through the implementation of the Convention and related instruments. For example, FAO expanded its efforts to support States in building capacity to effectively implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the Convention and international fisheries treaties and guidelines. The International Seabed Authority continued to build the capacity of developing States in deep-sea research and technology through its contractor training programmes and the endowment fund for marine scientific research in the Area. The International Tribunal for the Law of the Sea also continued to provide capacity-building, training programmes and workshops on dispute settlement under the Convention.

[7] See https://oceanconference.un.org/coa.

90. Pursuant to its General Assembly mandates, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs provided information, advice and assistance to States and intergovernmental organizations and other stakeholders on the uniform and consistent application of the provisions of the Convention and related instruments, including through fellowship programmes, other capacity-building activities, participation in various conferences, meetings, workshops and training events and the management of trust funds.[8]

Fellowships

91. In January 2018, Vanessa Arellano of Ecuador, was awarded the thirty-third Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, which provides participants with training in ocean affairs and the law of the sea in order to foster a wider appreciation and application of the Convention. The financial state of the Fellowship remained critical and contributions are needed to ensure that at least one fellowship can be awarded annually.

92. Since 2004, the United Nations-Nippon Foundation of Japan Special Strategic Fellowship Award in Ocean Affairs and the Law of the Sea has been awarded to 142 nationals of 76 Member States, including 12 in 2018 to nationals of Cameroon, Costa Rica (two), the Dominican Republic, Egypt, Ghana, Indonesia, Jordan, Nigeria, Sri Lanka, Solomon Islands and Timor-Leste.

93. A new capacity-building initiative related to ocean governance under the United Nations-Nippon Foundation Sustainable Ocean Programme was launched in 2018. Thereunder, the Division awarded four Critical Needs Fellowships, from April to June 2018, to applicants from Cambodia, Guyana, Papua New Guinea and Senegal. It delivered two training sessions related to the intergovernmental conference to elaborate the text of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction to 45 representatives from 42 States in April and May 2018. In July 2018, 11 Thematic Fellowships focusing on implementation of the 2030 Agenda through the Convention and ocean governance frameworks were awarded to nationals of Fiji, Gambia, Lesotho, Myanmar, Samoa, Sri Lanka, Saint Lucia, Sweden, Timor-Leste, Togo and Tonga. The fellowship will consist of four months (from August to December 2018) of in-person training at United Nations Headquarters, including briefings and activities to provide first-hand knowledge and insight into the implementation of ocean affairs frameworks.

Technical assistance to States

94. Jointly with United Nations Conference on Trade and Development, the Division began to implement a project funded through the United Nations Development Account to assist Barbados, Belize and Costa Rica in developing evidence-based and policy-coherent oceans economy and trade strategies to support beneficiary countries in realizing economic benefits from the sustainable use of marine resources. Relevant legal and institutional frameworks under the Convention will be addressed to support the development of comprehensive national ocean governance frameworks, which can also support the implementation of the Sustainable Development Goals, including Goal 14 directly.

95. Under a project funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, the Division completed a gap analysis of the Somali legislative and policy framework for oceans and provided a second briefing for Somali parliamentarians to raise awareness of the legal framework under

[8] More information is available on the website of the Division at www.un.org/depts/los/.

the Convention. Thus, together with the initial briefing for Somali parliamentarians in 2014, followed by an in-depth training programme for government officials and representatives from the regions of Somalia in 2015, all activities foreseen by the project have been completed. The Division will continue to provide customized technical and/or other capacity-building assistance to further reinforce the capacity of Somalia to address legislative barriers to developing maritime sectors and sustainably developing the oceans and the country's resources.

VIII. Conclusions

96. A wide range of activities were undertaken by the international community during the reporting period, including in relation to the implementation of General Assembly resolution 72/73, and progress was made in addressing ocean-related issues in a number of areas, such as maritime security, marine science and technology, international shipping, strengthening international cooperation and coordination and capacity-building.

97. At the same time, the health of the oceans continued to be negatively affected by ever growing and cumulative pressures. The impacts of climate change on the oceans, in particular, from sea level rise and more frequent and severe storms, were felt the world over, threatening the vulnerability of coastal communities, small island developing States and the least developed countries.

98. These impacts threaten safety of life, food security and livelihoods and underscore the urgent need for more focus on the human dimension of the oceans. This is visibly illustrated in the context of the ongoing and large-scale migration at sea.

99. Clearly, more needs to be done to raise awareness of the importance of the oceans for humanity on the one hand and of the impacts of anthropogenic activities on the oceans on the other. In order for further progress to be made, States must continue to increase their understanding of and resolve to use the tools that are currently available to achieve sustainable development, beginning with effective implementation of the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, as complemented by a wide range of other legal instruments.

100. Moreover, with an ever-increasing number of competing activities in the oceans and with bodies addressing ocean issues predominantly from a sectoral perspective at the global, regional and national levels, the need for a coordinated and integrated approach to all ocean-related issues is imperative.

101. The clear conclusion from the reporting period is that much greater efforts are needed by Member States to achieve the targets of Sustainable Development Goal 14, including through enhanced international cooperation and coordination and increased capacity-building and transfer of technology to developing States and that, in order to be cohesive, effective and long lasting, such efforts must be undertaken within the context of the legal framework set out by the Convention and the mandate and policy guidance provided by the General Assembly.